

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BARBARA J. FRIED and MARK FRIED;	:	
ALTITUDE PARTNERS, LLC; RICHARD	:	
D. MALTZMAN, AS TRUSTEE FOR THE	:	
RICHARD D. & CHARLENE	:	
MALTZMAN FAMILY TRUST U/A/D	:	
3/23/88; JEFFOREED PARTNERS, L.P.;	:	
JEFFOREED MANAGEMENT	:	
COMPANY, INC.; and ZELFAM, LLC, on	:	
behalf of limited partners listed on <u>Annex</u>	:	
<u>A.</u>	:	No. 09 CIV 9100 (BSJ)
Plaintiffs,	:	
- vs -	:	ECF CASE
LEHMAN BROTHERS REAL ESTATE	:	
ASSOCIATES III, L.P.; LEHMAN	:	
BROTHERS PRIVATE EQUITY	:	
ADVISORS, LLC; REAL ESTATE	:	
PRIVATE EQUITY, INC.; MARK A.	:	
WALSH; MARK H. NEWMAN; BRETT	:	
BOSSUNG; MICHAEL J. ODRICH;	:	
CHRISTOPHER M. O'MEARA;	:	
RICHARD S. FULD, JR.; JOSEPH M.	:	
GREGORY; ERIN CALLAN; IAN	:	
LOWITT; THOMAS RUSSO; AND DOES	:	
1 through 50,	:	
Defendants.	:	

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**NOTICE OF MOTION TO STRIKE ALL  
CLASS ALLEGATIONS IN THE COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law of Defendants Lehman Brothers Real Estate Associates III, L.P., Lehman Brothers Private Equity Advisors, LLC, Real Estate Private Equity, Inc., Mark A. Walsh, Mark H. Newman, Brett Bossung, Michael J. Odrich, Christopher M. O'Meara, Richard S. Fuld, Jr., Joseph M. Gregory, Erin Callan, Ian Lowitt, and Thomas Russo ("Defendants") in

support of the Defendants' Motion to Strike All Class Allegations in the Complaint for Rescission or Damages, Declaration and Injunction (the "Complaint") for failure to comply with the Private Securities Litigation Reform Act of 1995 (15 U.S.C. § 78u-4(a)), the Affidavit of Mark B. Rosen, and all prior papers and proceedings herein, the Defendants will move this Court, before the Honorable Barbara S. Jones, United States District Judge, United States District Court for the Southern District of New York, at Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and at a time to be set by the Court, for an Order striking all class allegations in the Complaint pursuant to Rules 12(f) and 23(d) of the Federal Rules of Civil Procedure, and for such other relief as this Court may deem just and proper.

Dated: New York, New York  
January 8, 2010

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